

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

JUN 25 AM 10:49

UNITED STATES OF AMERICA,

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§  
§

v.

Jmo  
EP-17-CR-674-MF-1

MIGUEL HERNANDEZ.

**ORDER DENYING DEFENDANT'S MOTION TO REDUCE SENTENCE**

Defendant Miguel Hernandez, Federal Register Number 90328-380, moves the Court to reduce his sentence pursuant to Amendment 782 to the Sentencing Guidelines (ECF No. 225). Amendment 782 effectively lowers most drug-related base offense levels in the Sentencing Guidelines, which are determined by the quantity of drugs involved in the offense, by two levels.

The Court may modify a defendant's sentence under 18 U.S.C. § 3582(c)(2) "when it is for 'a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission.'" *United States v. Dublin*, 572 F.3d 235, 237 (2009) (quoting 18 U.S.C. § 3582(c)(2)). The Court relied on the 2016 Guidelines Manual to determine Defendant's offense level. Presentence Investigation Report ¶ 49, ECF No. 166. The 2016 Guidelines Manual incorporated Amendment 782. U.S. Sentencing Guidelines Manual § 1B1.10(d) (U.S. Sentencing Comm'n 2016). Hence, Defendant was sentenced in consideration of Amendment 782, his sentencing range was not subsequently lowered by Amendment 782, and he is not entitled to relief under Amendment 782.

Accordingly, Defendant Miguel Hernandez's motion to reduce his sentence pursuant to Amendment 782 to the Sentencing Guidelines (ECF No. 225) is **DENIED**.

SIGNED this 25 day of June 2019.



FRANK MONTALVO  
UNITED STATES DISTRICT JUDGE